



**JUSTICE AND PUBLIC
SAFETY CABINET
DEPARTMENT OF
JUVENILE JUSTICE
POLICY AND PROCEDURES**

**AUTHORITY and
REFERENCES:**
505 KAR 1:130
KRS 15A.0652
KRS 15A.068
KRS 605.090
1-JPAS-2-7065,7110,7133,
7134,7135,7138,7139,7140,
7147,7150,7153,7154,7155,
7156,7165,7186

CHAPTER: Juvenile Services in Community

SUBJECT: Community Supervision

POLICY NUMBER: DJJ 605

TOTAL PAGES: 9

EFFECTIVE DATE: 1/04/2016

APPROVAL: Bob D. Hayter

COMMISSIONER

I. POLICY

The Department of Juvenile Justice (DJJ) shall implement community supervision for all probated, committed, or sentenced youth who are on conditions of supervision. All Juvenile Services Workers I, II, Clinician I, Specialist, District Supervisor, Regional Manager, and the Division Director of Community and Mental Health Services shall be available to provide services twenty-four (24) hours a day.

II. APPLICABILITY

This policy and procedure shall apply to all community services staff.

III. DEFINITIONS

Refer to Chapter 600

IV. PROCEDURES

- A. When specific services ordered by the court are not available, the Juvenile Service Worker (JSW) shall return the case to court for further dispositional consideration.
- B. A JSW shall maintain a cooperative working relationship with public and private service agencies. Community supervision strategies or services may include:
 - 1. Intensive supervision caseloads, which may include the Juvenile Intensive Supervision Team (JIST) Program;
 - 2. In-home services;
 - 3. Monitoring Device;
 - 4. Drug Screening;

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5. Community service projects;
 6. Vocational and educational services;
 7. Extended Hours Day Treatment Programs;
 8. Day Treatment Programs;
 9. Day or Evening Reporting Centers;
 10. Utilization of Outpatient or Inpatient treatment services;
 11. Cooperation with law enforcement agencies when youth are known, or suspected of being involved in, criminal activities; or
 12. Any other appropriate community resource to meet the identified treatment needs.
- C. The Department shall partner with Managed Care Organizations (MCOs) to assist in accessing services to meet the treatment needs of youth and families. The JSW shall:
1. For probated youth ask the parent which MCO is assigned to youth. If the family does not have an MCO, assist the parent with accessing KYNECT at <https://kynect.ky.gov/> to enroll in benefits.
 2. For committed youth send all information to the Benefit's Worker for the Medicaid application process and determination of the MCO for the youth.
 3. For youth on community supervision use the Case Management Needs Assessment (CMNA) and the aftercare plan (if youth has been in DJJ placement) to make referrals for assessment and treatment to provider(s) in the community.
 4. Once provider(s) completes assessment(s), the parents shall be requested to give verbal permission or sign a MCO waiver which permits DJJ to have direct communication with the MCO on behalf of the youth and family.
 5. Once the provider makes recommendations about services, determine if there are any needs the youth has that cannot be met by that provider. If so, contact the MCO to find a service provider in that area to provide the needed service.
 6. If services are not available in the area to meet the need and the MCO does not make an effort to secure the needed service, up-line that information through your chain of command.
 7. If the Service Provider indicates a service is not approved or has been denied,
 - a. Ask the provider if they called the MCO to explain the medical need for the service. If no, then the service provider needs to do so.
 - b. If the provider has called the MCO, ask the provider to appeal to the MCO using more specific treatment language so the MCO understands why the service is medically necessary.

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- c. If service has been denied or an appeal is necessary, up-line that information through your chain of command.
- D. The community phase system, under the supervision of the Department, shall be required for all probated Public Offenders, probated Youthful Offenders, and committed Public Offenders residing with a parent, legal guardian, or other approved relative or friend of the family.
- E. The JSW shall implement and oversee the community phase system for all youth on their assigned caseload.
- F. Each youth shall be assessed using the Risk and Criminogenic Needs Assessment (RCNA) to determine the required level of supervision into the community phase system and Case Management Needs Assessment to identify treatment needs.
- G. The youth and their parent or caregiver shall be informed in writing of the requirements of the community phase system, to include: the number of contacts, the types of contacts, review requirements, and other expectations related to the phase system as soon as entry in the phase system is determined.
- H. Documentation outlining the community phase system shall be given to the youth and parent or caregiver at the time of commitment or probation and placement in the community within three (3) business days. Documentation outlining the community phase system shall be given to the youth and parent or caregiver within three (3) business days of return from out of home placement.
- I. The community phase system requirements shall be made part of the Conditions of Probation and Conditions of Supervised Placement. The JSW shall review each youth's case every thirty (30) days to determine their progress in meeting the requirements of the community phase system. The phase review shall be completed in writing and with the following signatures: youth, parent or guardian, JSW and JSWS. They shall also be required to review the status of each youth within forty-eight (48) hours of knowledge of a violation occurring, or any other incident that would affect the youth's residence with a parent or caregiver. These reviews shall be documented in the electronic running record.
- J. Youth residing in a hospital, non-contract treatment program, DCBS foster home or residential placement, or Job Corp, as arranged by the parent or caregiver or the Department of Community Based Services, shall not be subject to the community phase system during their residence in this location.
 - 1. The JSW shall maintain monthly contact with the youth while they reside in such a location, with face to face contact at least once per quarter and a minimum monthly contact with the family.
 - 2. The JSW shall continue to complete the thirty (30) day reviews and document that the youth is not subject to the community phase system in the electronic record.

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3. Once the youth is discharged from the location, the youth shall enter or reenter the community phase system, as appropriate, or at the same level they exited.
4. Requests to have the youth enter or re-enter on a lower or higher phase level shall be requested in writing through the supervisory chain, and approved by the Division Director of Community and Mental Health Services.
- K. Youth exiting a refocus program arranged by DJJ shall enter or reenter the community phase system at the same level they exited.
- L. Youth shall be advised of the requirement for compliance with the community supervision program.
- M. The roles and responsibilities of the JSW, the youth, the parents or caregiver, and other community resources shall be discussed with all parties at the beginning of the community supervision program.
- N. The youth shall move up and down within the phase system based on their compliance or noncompliance and progress, as determined at the required thirty (30) day reviews, or at the occurrence of significant events.
- O. The community phase system shall consist of the following phases III through I:
 1. Phase III shall be utilized for the following youth: youth who initially score High Risk on the RCNA at the time of commitment or probation and remain in the community, all youth returning home from placement (excluding CLEP Aftercare), or Probated Youthful Offenders. Phase III expectations are as follows:
 - a. The phase shall last a minimum of thirty (30) days;
 - b. The youth shall follow all conditions of supervision and incur no new charges;
 - c. The JSW shall have face-to-face contact with the youth one (1) time per week;
 - d. The JSW shall have contact two (2) times per month with a parent or guardian. One (1) contact per month shall be face-to-face with the parent in the home;
 - e. The JSW shall have contact with primary or secondary school or GED personnel a minimum of two (2) times per month when school is in session;
 - f. The JSW shall have contact with community providers and collateral sources a minimum of two (2) times per month;
 - g. The JSW shall place the youth on some version of Department approved electronic monitoring for the first thirty (30) days. Curfew shall be no later than eight (8) pm. If the youth remains on Phase III for longer than thirty (30) days for issues other than curfew violations,

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the JSW may remove the electronic monitoring and conduct curfew checks one (1) time per week.

2. Phase II shall be utilized for the following youth: youth who initially score Moderate Risk on the RCNA at the time of commitment or probation and remain in the community. Phase II expectations are as follows:
 - a. The phase shall last a minimum of thirty (30) days;
 - b. The youth shall follow all conditions of supervision and incur no new charges;
 - c. The JSW shall have a minimum of two (2) face-to-face contacts per month with the youth, with one (1) contact occurring between the 1st and 15th of the month and the second contact occurring between the 16th and last day of the month;
 - d. The JSW shall have a minimum of two (2) contacts per month with a parent or guardian. One (1) contact shall occur in the home;
 - e. The JSW shall have contact with primary or secondary school or GED personnel a minimum of one (1) time per month when school is in session;
 - f. The JSW shall have contact with community providers and collateral sources a minimum of two (2) times per month;
 - g. The JSW shall conduct curfew checks one (1) time per week. Curfew shall be no later than nine (9) pm.
3. Phase I shall be utilized for youth who initially score Low Risk on the RCNA or have completed CLEP aftercare. Phase I expectations are as follows:
 - a. The phase shall last a minimum of thirty (30) days;
 - b. The youth shall follow all conditions of supervision and incur no new charges;
 - c. The JSW shall have face-to-face contact with the youth one (1) time per month.
 - d. The JSW shall have contact one (1) time per month with a parent or guardian.
 - e. The JSW shall have contact with primary or secondary school or GED personnel a minimum of one (1) time per month when school is in session.
 - f. The JSW shall have contact with community providers and collateral sources one (1) time per month.
 - g. The JSW shall conduct curfew checks one (1) time per month. Curfew shall be no later than ten (10) pm.

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- P. Curfew may be modified on an as needed basis to promote educational, treatment, and pro-social or family engagement activities. All exceptions shall be noted in the ICR.
- Q. The JSW shall consult the Juvenile Services District Supervisor (JSDS) if there are concerns regarding the safety of a home visit. If a home visit is determined to be unsafe, the JSW is excused from making the home visit, and is required to document the safety concerns in the ICR. If such concerns meet mandatory duty to report dependency, neglect, abuse, human trafficking per KRS 620.030, the JSW shall make a referral to CHFS. Reference DJJPP 623 (Health and Safety for Community and Mental Health Services). In certain circumstances, a court review may be a viable option for assistance in addressing the safety conditions.
- R. To be eligible for early discharge from probation or commitment, there must be correlation with the community phase system, compliance with conditions of supervision, and completion of treatment goals.
- S. The JSW shall complete a RCNA reassessment in preparation for case closure.
- T. The JSW shall complete a CMNA reassessment in preparation for case closure.
- U. The JSW and JSDS shall discuss alleged violations of Probation and Supervised Placement.
- V. Graduated responses:
 - 1. Compliance with Conditions of Supervision:
 - a. Incentive programs shall be implemented to motivate and reinforce positive behaviors.
 - b. The JSDS or designee shall contact local businesses, whom have no business relationship with DJJ, to request donations for the incentive program. There shall be no monetary value limitation for donations. Donations shall not be accepted from businesses that do business with DJJ, seek to do business with DJJ, are regulated by DJJ, or seek to influence DJJ in any manner.
 - i. The JSDS or designee shall maintain a tracking log for all donations to be used for the incentive program.
 - ii. Upon receipt each donation shall be logged denoting the business name, date of donation, and description of donation.
 - iii. When the donation is awarded to a youth, the name of the youth, date it was provided, and description of donation shall be logged.
 - iv. All donations shall be utilized as an incentive only for the benefit of the youth and family. Staff shall not use donations.
 - v. All donations shall be in goods and services, no monetary donations shall be accepted.
 - 2. Non-compliance with Conditions of Supervision:

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- a. All arrests, petitions, and alleged violations shall be immediately investigated and addressed with an appropriate response within forty-eight (48) hours of the JSW becoming aware of the violation.
- b. As a result of a youth violating a condition(s) of supervision, the JSW shall utilize the graduated response decision matrix to determine the needed level of response of either low, moderate, or high level by determining the frequency, length, amenability, and gravity of the violation.
- c. If a youth's violation falls into more than one level of responses noted below, the JSW shall choose the least restrictive level of response to safely manage the behavior. The level of response shall be based upon the gravity of the conduct. The response selection of the sanction shall be based upon all areas of frequency, length, amenability, and gravity of the violation. Priority shall always be given to community and youth safety.
 - i. Low level response:
 - a) Frequency: The violation occurs infrequently and/or there are isolated incidents
 - b) Length: Violations have occurred over a short period such as one (1) to two (2) weeks.
 - c) Amenability: The youth is overall engaged and responding positively to supervision. Youth acknowledges behavior is wrong and is attempting to correct it.
 - d) Gravity: The violation has no level of threat to self, family, or community.
 - ii. Moderate level response:
 - a) Frequency: A behavior pattern is starting to emerge with violations.
 - b) Length: Violations have occurred over a more prolonged time and patterns are emerging.
 - c) Amenability: Youth does not always respond to supervision and corrective actions. Youth acknowledges behavior is wrong, but does not attempt to correct or sporadically attempts to correct.
 - d) Gravity: Violation has the potential of threat to self, family, or community. Youth is exhibiting a pattern of substance use.
 - iii. High level response:
 - a) Frequency: An established pattern of multiple violations even following sanctions.
 - b) Length: Chronic pattern of violations or isolated incidents that pose a threat to self or the public.

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- c) Amenability: Clear pattern of non-compliance. Failure to respond after use of sanctions and corrective measures. Youth does not acknowledge behavior is wrong.
- d) Gravity: Violation is clearly threatening to self, family, or community. Youth's substance abuse has escalated to the point of being out of control making it highly likely for him to reoffend.
- d. Once the level of response is determined, the JSW shall impose a corresponding level of sanction from the graduated sanction grid to promote rehabilitation. All sanctions shall be logical, proportional, timely, and consistent with the youth's case plan.
- e. The JSW shall confer with the JSDS to determine the appropriate graduated response.
- 3. All graduated responses, including incentives and sanctions, shall be noted in the ICR.

W. Searches

- 1. Staff shall not conduct any search of a youth's person or property.
- 2. The JSW shall not approve search by Law Enforcement unless there is reasonable or articulable suspicion.
- 3. Any items recovered as a result of the search shall remain in the custody of Law Enforcement.
- X. Youth residing in the community on Conditions of Supervision may obtain a driver's permit or license in accordance with Kentucky State law; however, no Community or Mental Health staff shall sign or assume responsibility for such privilege. Community and Mental Health staff shall not prohibit the legal right of the youth to obtain driving privileges obtained with the assistance of the youth's parent or caregiver.
- Y. Restitution from juveniles shall not be received nor collected by Community Services staff pursuant to KRS 532.032 and KRS 532.033. In cases where the court orders DJJ to collect restitution, such orders shall immediately be submitted to Legal Services for review.
- Z. The JSW shall be responsible for obtaining a Certified Interpreter for youth and family with a communication barrier.

V. STAFF TRAINING

- A. The Division of Professional Development staff shall provide individual training of the RCNA annually.
- B. The Juvenile Services District Supervisor shall ensure that community staff are trained during the orientation period on the following:
 - 1. Conditions of supervision;
 - 2. Community phase system;
 - 3. Case Plan and phase review;

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4. Use of graduated responses, including incentives and sanctions; and,
5. The available supervision strategies, services, and local resources.

VI. MONITORING MECHANISM

- A. The Division Director of Community and Mental Health Services or designee and the Quality Assurance Branch shall develop monitoring protocols.
- B. The Juvenile Services District Supervisor shall review all case plans and reviews to ensure that appropriate signatures are obtained.